

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DELBERT M. GREENE,

Plaintiff,

vs.

DWIGHT NEVEN, *et al.*,

Defendants.

3:07-cv-00474-LRH-VPC

ORDER

This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On July 14, 2011, this court granted defendants' motion to dismiss without prejudice (docket #100). Plaintiff filed a notice of appeal on July 28, 2011 (docket #102).

On August 3, 2011, the Ninth Circuit Court of Appeals referred this matter to this court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith (docket #106). Accordingly, this court certifies that any *in forma pauperis* appeal from its Order would not be taken "in good faith" pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if appeal would not be frivolous).

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1 **IT IS THEREFORE ORDERED** that this court **CERTIFIES** that any *in forma pauperis*
2 appeal from its Order dated July 14, 2011 (docket #100) would not be taken “in good faith” pursuant
3 to 28 U.S.C. § 1915(a)(3).

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5 DATED this 22nd day of August, 2011.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE